

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Arlon Elser v State Farm Mutual Insurance Company**
Docket No. **259751**
L.C. No. **04-001608-NF**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because the November 29, 2004 order is not a final order for the reason that the claim against defendant as to count II is still outstanding. See MCR 2.604(A) and 7.202(6)(a)(i). As a result, appellant may only challenge the order at this time by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 5 2005

Date

Sandra Schultz Mengel
Chief Clerk